

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

February 25, 1999 LB 27

with regard to the phrase about arbitration proceedings pursuant to the Uniform Arbitration Act, is that that is potentially unconstitutional, at least as I read the constitution. We do have the potential for binding arbitration provided in the state of Nebraska, but you can only have binding arbitration if the agreement has been entered into voluntarily, and it may be revokable and is not.... Anyway, I think the primary...

SPEAKER KRISTENSEN: One minute.

SENATOR WICKERSHAM: ...concern is that it has to be entered into voluntarily. The situation that arises within the context of this bill, as I understand it, is not one in which a nonunion member would have voluntarily agreed to submit to arbitration. So I would like someone to comment and tell me whether or not they have...they believe that what I see as a potential for binding arbitration in Section 4 is in some respect constitutional. And then, if that is not constitutional, what process is available, what process is open that would be fair to nonunion members for the determination of the amount that they could be required to pay either under the agreement with the employer or any action that might be brought under Section 5? And I hope that those questions have been stated clearly enough for response and that they're not too perplexing in their scope, but I would...but I would like to know...

SPEAKER KRISTENSEN: Time.

SENATOR WICKERSHAM: ...what...what the views of others are about those particular issues. Thank you.

SPEAKER KRISTENSEN: Senator Redfield.

SENATOR REDFIELD: Thank you, Mr. Speaker, members. Senator Wickersham, I think you have raised absolutely valid questions and I don't think that there are adequate answers out there, which is why I'm not comfortable with this bill. But I also wanted to stand and address the questions that Senator Lynch had addressed earlier. Make no mistake, I think there are inequities and I do think the state needs to address them. I don't believe that this bill adequately protects nonunion employees from the choices that they should have in a free